

Appl. No. 10/694,684
Response dated 03/11/05
Reply to Restriction Requirement of 2/16/2005

Attorney Docket No.: TS02-1193
N1085-90160

REMARKS

Response to Restriction Requirement

In the Restriction Requirement in the Office Action dated February 16, 2005, the Examiner requires Applicants to elect for further prosecution claims of one of the following groups:

Group I: Claims 22-30, drawn to a semiconductor device, classified in class 257, subclass 532; or

Group II: Claims 1-21 drawn to a method of manufacturing the semiconductor device, classified in class 438, subclass 957.

Applicants respectfully traverse the restriction requirement for reasons set forth below. In accordance with 37 C.F.R. 1.143, applicants provisionally elect Group II, claims 1-21 for further prosecution.

Applicants respectfully traverse this restriction requirement because the product claimed in device claims 22-30 cannot be made by a process that is materially different than the claimed process, particularly the process as recited in independent claims 1 and 12. Similarly, the method as claimed is not an obvious process of making the claims device and the process as claimed cannot be used to make other and different products. The claimed process will necessarily produce the claimed device; and the claimed device is necessarily the result of the claimed process. Applicants respectfully submit that, therefore, the Restriction Requirement is inappropriate and also that the examination of all claims 1-31 would not impose an undue burden on the Examiner.

Applicants point out that, within the provisionally elected group of claims 1-21, claims 1-10 have been amended. Claim 31 has been added and should properly be included within the provisionally elected Group II of claims since claim 31 is identical to originally-filed claim 2.

Amended claim 2 now recites features originally included in claim 1.

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In view of the above, applicants respectfully request that the restriction requirement be withdrawn and all claims examined on the merits.

Respectfully submitted,

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Mark I. Marcelli, Reg. No. 36,593
Attorney for Applicants

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DUANE MORRIS LLP
101 West Broadway, Suite 900
San Diego, CA 92101
Telephone: (619) 744-2200
Facsimile: (619) 744-2201

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